

AMENDED IN SENATE JULY 14, 1999

AMENDED IN SENATE JUNE 24, 1999

AMENDED IN ASSEMBLY MAY 28, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1228

**Introduced by Committee on Agriculture (Cardoza (Chair),
Maldonado (Vice Chair), Brewer, Florez, Reyes, Thomson,
and Wiggins)**

February 26, 1999

An act to amend ~~Sections 2272, 2282, 2282.5, and 2287 of, and to repeal Section 2272 of, the Food and~~ *Section 2282 of, to add Section 2287 to, and to add and repeal Sections 2282 and 2282.5 of, the Food and* Agricultural Code, relating to agriculture, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1228, as amended, Committee on Agriculture. Agriculture: plant and animal pest control.

(1) ~~Existing law (a) requires each county agricultural commissioner to submit a monthly report to the Secretary of Food and Agriculture concerning the commissioner's activities in specified joint programs concerning, among other things, pests, seed and nursery inspections, fruit, vegetable, and egg quality control, and crop statistics, and (b) authorizes each county agricultural commissioner to make an annual report to the secretary on the condition of agriculture in the~~

~~commissioner's county and on what is being done to eradicate, control, or manage pests, and on actions relating to the exclusion of pests or quarantine against pests. These provisions are to be repealed on July 1, 1999.~~

~~This bill would delete the July 1, 1999, repeal date of these provisions, thereby continuing them indefinitely.~~

~~(2) Existing law, which is to become operative on July 1, 1999, requires each county agricultural commissioner to make the annual report to the secretary as specified in (b) above.~~

~~This bill would repeal these provisions.~~

~~(3) Existing law assigns to *Until July 1, 1999*, the Department of Food and Agriculture ~~the responsibility of developing~~ *was responsible under provisions of law to develop* work plans for allocation of funding appropriated to the department in the Budget Act of 1998 for local assistance for agricultural plant and animal pest and disease prevention. These provisions are to be repealed on July 1, 1999.~~

~~This bill, instead, *until July 1, 2000*, would assign to the department the responsibility of developing work plans for allocation of the funding appropriated in the Budget Act of 1999 to the department for local assistance for agricultural plant and animal pest and disease prevention. The bill would make related changes. The bill also would specify that, of the amount appropriated in the Budget Act of 1999 to the department for local assistance for agricultural plant and animal pest and disease prevention, ~~\$9,000,000~~ *\$5,500,000* shall be utilized solely for high-risk pest exclusion activities. —In addition, the bill would delete the July 1, 1999, repeal date of these provisions, thereby continuing them indefinitely.~~

~~(4) Existing law authorizes~~

~~(2) *Until July 1, 1999*, a county agricultural commissioner *was authorized under provisions of law* to enter into a mutual aid agreement with other counties, as prescribed, to carry out prescribed crop, inspection, and pest management programs. These provisions are to be repealed on July 1, 1999.~~

~~This bill, instead, would delete the July 1, 1999, repeal date of *would reenact* these provisions *without a repeal date*, thereby continuing them indefinitely.~~

~~(5)~~

(3) The bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 2272 of the Food and~~
2 ~~Agricultural Code, as amended by Section 2 of Chapter~~
3 ~~870 of the Statutes of 1998, is amended to read:~~

4 ~~2272. The commissioner shall submit, on a form~~
5 ~~approved by the secretary, a monthly report to the~~
6 ~~secretary concerning the commissioner's activities in the~~
7 ~~programs listed in paragraphs (1) to (10), inclusive, of~~
8 ~~subdivision (b) of Section 2282. The commissioner may~~
9 ~~prepare an annual report on the condition of agriculture~~
10 ~~in his or her county and on what is being done to~~
11 ~~eradicate, control, or manage pests, and on actions~~
12 ~~relating to the exclusion of pests or quarantine against~~
13 ~~pests. The commissioner may include in the annual~~
14 ~~report information relating to organic farming methods,~~
15 ~~biotechnology, integrated pest management, and~~
16 ~~biological control activities in the county. The~~
17 ~~commissioner shall also furnish from time to time to the~~
18 ~~secretary any other information the secretary may~~
19 ~~require.~~

20 ~~SEC. 2. Section 2272 of the Food and Agricultural~~
21 ~~Code, as amended by Section 3 of Chapter 870 of the~~
22 ~~Statutes of 1998, is repealed.~~

23 ~~SEC. 3. Section 2282 of the Food and Agricultural~~
24 ~~Code, as amended by Section 4 of Chapter 870 of the~~
25 ~~Statutes of 1998, is amended to read:~~

26 ~~2282. (a) Except as provided in Section 2282.5, the~~
27 ~~Secretary of Food and Agriculture or the Director of~~
28 ~~Pesticide Regulation may allocate annually to each~~
29 ~~county an amount determined by the secretary or the~~
30 ~~director not to exceed one-third of the amount expended~~
31 ~~by the county during the previous fiscal year for the~~
32 ~~programs of joint responsibility. The allocations shall be~~
33 ~~made from funds appropriated to the secretary or the~~

~~director for purposes of carrying out activities of joint responsibility with the commissioners at the local levels.~~

~~(b) The annual report to the Legislature described in Section 2281 shall include findings for each of the following joint programs, including the amounts allocated to, and expended by, the counties in the previous fiscal year and the proposed amount to be allocated by the secretary for each program for the ensuing budget year:~~

~~(1) Pest detection.~~

~~(2) Pest eradication.~~

~~(3) Pest management control.~~

~~(4) Pest exclusion.~~

~~(5) Seed inspection.~~

~~(6) Nursery inspection.~~

~~(7) Fruit and vegetable quality control.~~

~~(8) Egg quality control.~~

~~(9) Apiary inspection.~~

~~(10) Crop statistics.~~

~~The report shall also specify the programs that have been augmented with state funds each year since 1980 because of new legislative mandates, or because of pest infestations or outbreaks occurring since that date, and the annual amounts of those augmentations.~~

~~(c) This section shall become inoperative on July 1, 2000, and as of January 1, 2001, is repealed, unless a later enacted statute that is enacted before January 1, 2001, deletes or extends that date.~~

~~SEC. 4.—~~

SECTION 1. Section 2282 is added to the Food and Agricultural Code, to read:

2282. (a) Except as provided in Section 2282.5, the Secretary of Food and Agriculture or the Director of Pesticide Regulation may allocate annually to each county an amount determined by the secretary or the director not to exceed one-third of the amount expended by the county during the previous fiscal year for the programs of joint responsibility. The allocations shall be made from funds appropriated to the secretary or the

1 *director for purposes of carrying out activities of joint*
2 *responsibility with the commissioners at the local levels.*

3 *(b) The annual report to the Legislature described in*
4 *Section 2281 shall include findings for each of the*
5 *following joint programs, including the amounts*
6 *allocated to, and expended by, the counties in the*
7 *previous fiscal year and the proposed amount to be*
8 *allocated by the secretary for each program for the*
9 *ensuing budget year:*

10 *(1) Pest detection.*

11 *(2) Pest eradication.*

12 *(3) Pest management control.*

13 *(4) Pest exclusion.*

14 *(5) Seed inspection.*

15 *(6) Nursery inspection.*

16 *(7) Fruit and vegetable quality control.*

17 *(8) Egg quality control.*

18 *(9) Apiary inspection.*

19 *(10) Crop statistics.*

20 *The report also shall specify the programs that have*
21 *been augmented with state funds each year since 1980*
22 *because of new legislative mandates, or because of pest*
23 *infestations or outbreaks occurring since that date, and*
24 *the annual amounts of those augmentations.*

25 *(c) This section shall become inoperative on July 1,*
26 *2000, and as of that date is repealed, unless a later enacted*
27 *statute that is enacted before July 1, 2000, deletes or*
28 *extends that date.*

29 *SEC. 2. Section 2282 of the Food and Agricultural*
30 *Code, as amended by Section 5 of Chapter 870 of the*
31 *Statutes of 1998, is amended to read:*

32 *2282. (a) The Secretary of Food and Agriculture or*
33 *the Director of Pesticide Regulation may allocate*
34 *annually to each county an amount determined by the*
35 *secretary or the director not to exceed one-third of the*
36 *amount expended by the county during the previous*
37 *fiscal year for the programs of joint responsibility under*
38 *the jurisdiction of the secretary or director, as applicable.*
39 *The allocations shall be made from funds appropriated to*
40 *the secretary or the director for purposes of carrying out*

1 activities of joint responsibility with the commissioners at
2 the local levels.

3 (b) The annual report to the Legislature required by
4 Section 2281 shall include findings for each of the
5 following joint programs, including the amounts
6 allocated to, and expended by, the counties in the
7 previous fiscal year and the proposed amount to be
8 allocated by the secretary for each program for the
9 ensuing budget year:

- 10 (1) Pest detection.
- 11 (2) Pest eradication.
- 12 (3) Pest management control.
- 13 (4) Pest exclusion.
- 14 (5) Seed inspection.
- 15 (6) Nursery inspection.
- 16 (7) Fruit and vegetable quality control.
- 17 (8) Egg quality control.
- 18 (9) Apiary inspection.
- 19 (10) Crop statistics.

20 The report shall also specify the programs that have
21 been augmented with state funds each year since 1980
22 because of new legislative mandates, or because of pest
23 infestations or outbreaks occurring since that date, and
24 the annual amounts of those augmentations.

25 (c) This section shall become operative July 1, 2000.

26 ~~SEC. 5. Section 2282.5 of the Food and Agricultural~~
27 ~~Code is amended to read:~~

28 ~~2282.5. (a) The development of work plans for~~
29 ~~allocation of the funding appropriated in the Budget Act~~
30 ~~of 1999 to the department for local assistance for~~
31 ~~agricultural plant and animal pest and disease prevention~~
32 ~~shall be the responsibility of the department. The~~
33 ~~department shall establish criteria for the development~~
34 ~~of the work plans and for allocating the appropriated~~
35 ~~funds.~~

36 ~~(b) Of the amount appropriated in the Budget Act of~~
37 ~~1999 to the department for local assistance for agricultural~~
38 ~~plant and animal pest and disease prevention, nine~~
39 ~~million dollars (\$9,000,000) shall be utilized solely for~~
40 ~~high risk pest exclusion activities. The work plans for the~~

1 ~~exclusion of high-risk pests shall be developed by the~~
2 ~~department with the county agricultural commissioners~~
3 ~~and in consultation with affected industry~~
4 ~~representatives. In order to determine the effectiveness~~
5 ~~of high-risk pest exclusion programs in each county, the~~
6 ~~criteria established by the department for the work plan~~
7 ~~shall include, but need not be limited to, the following:~~

8 ~~(1) The number of high-risk plant shipments entering~~
9 ~~each county.~~

10 ~~(2) The number of high-risk entry points in each~~
11 ~~county.~~

12 ~~(3) The number of state action quarantine pests~~
13 ~~intercepted or detected annually in each county.~~

14 ~~(4) The work hours expended by each county in~~
15 ~~conducting exclusion of high-risk pests.~~

16 ~~(5) The rate of interceptions and rejections per~~
17 ~~inspection activity.~~

18 ~~(e) To remain eligible for funding under this section,~~
19 ~~a county shall maintain its support of ongoing operational~~
20 ~~costs of the county agricultural commissioner programs~~
21 ~~listed in subdivision (b) of Section 2282, at 1997-98 fiscal~~
22 ~~year levels.~~

23 ~~(d) Funds allocated for high-risk pest exclusion~~
24 ~~activities pursuant to subdivision (b) may not be~~
25 ~~expended for any purpose other than the exclusion of~~
26 ~~high-risk pests consistent with the work plans prescribed~~
27 ~~in subdivision (a). Funds allocated by each county on or~~
28 ~~after September 28, 1998, shall not be allocated to other~~
29 ~~programs listed in subdivision (b) of Section 2282 until~~
30 ~~the county work plan is approved by the department~~
31 ~~consistent with the funding appropriated in the Budget~~
32 ~~Act of 1999 to the department for local assistance for~~
33 ~~agricultural plant and animal pest and disease prevention~~
34 ~~for this purpose.~~

35 ~~SEC. 6. Section 2287 of the Food and Agricultural~~
36 ~~Code is amended to read:~~

37 ~~2287. Whenever the commissioner determines that it~~
38 ~~is necessary to more effectively or more efficiently carry~~
39 ~~out a program listed in subdivision (b) of Section 2282, the~~
40 ~~commissioner may enter into a mutual aid agreement~~

~~with other counties for the purpose of sharing staff, equipment, expertise, information, and other resources necessary to meet the needs of the program.~~

~~SEC. 7.—~~

SEC. 3. Section 2282.5 is added to the Food and Agricultural Code, to read:

2282.5. (a) The development of work plans for allocation of the funding appropriated in the Budget Act to the department for local assistance for agricultural plant and animal pest and disease prevention shall be the responsibility of the department. The department shall establish criteria for the development of the work plans and for allocating the appropriated funds.

(b) Of the amount appropriated in the Budget Act to the department for local assistance for agricultural plant and animal pest and disease prevention, five million five hundred thousand dollars (\$5,500,000) shall be utilized solely for high-risk pest exclusion activities. The work plans for the exclusion of high-risk pests shall be developed by the department with the county agricultural commissioners and in consultation with affected industry representatives. In order to determine the effectiveness of high-risk pest exclusion programs in each county, the criteria established by the department for the work plan shall include, but need not be limited to, the following:

(1) The number of high-risk plant shipments entering each county.

(2) The number of high-risk entry points in each county.

(3) The number of state action quarantine pests intercepted or detected annually in each county.

(4) The work hours expended by each county in conducting exclusion of high-risk pests.

(5) The rate of interceptions and rejections per inspection activity.

(c) To remain eligible for funding under this section, a county shall maintain its support of ongoing operational costs of the county agricultural commissioner programs

1 *listed in subdivision (b) of Section 2282, at 1997–98 fiscal*
2 *year levels.*

3 *(d) Funds allocated for high-risk pest exclusion*
4 *activities pursuant to subdivision (b) may not be*
5 *expended for any purpose other than the exclusion or*
6 *detection of high-risk pests consistent with the work plans*
7 *prescribed in subdivision (a) or scientific evaluation.*
8 *Funds allocated by each county on or after September 28,*
9 *1998, shall not be allocated to other programs listed in*
10 *subdivision (b) of Section 2282 until the county work plan*
11 *is approved by the department consistent with the*
12 *funding appropriated in the Budget Act of 1999 to the*
13 *department for local assistance for agricultural plant and*
14 *animal pest and disease prevention for this purpose.*

15 *(e) This section shall become inoperative on July 1,*
16 *2000, and as of January 1, 2001, is repealed, unless a later*
17 *enacted statute that is enacted before January 1, 2001,*
18 *deletes or extends the dates on which it becomes*
19 *inoperative and is repealed.*

20 *SEC. 4. Section 2287 is added to the Food and*
21 *Agricultural Code, to read:*

22 *2287. Whenever the commissioner determines that it*
23 *is necessary to more effectively or more efficiently carry*
24 *out a program listed in subdivision (b) of Section 2282, the*
25 *commissioner may enter into a mutual aid agreement*
26 *with other counties for the purpose of sharing staff,*
27 *equipment, expertise, information, and other resources*
28 *necessary to meet the needs of the program.*

29 *SEC. 5. This act is an urgency statute necessary for*
30 *the immediate preservation of the public peace, health,*
31 *or safety within the meaning of Article IV of the*
32 *Constitution and shall go into immediate effect. The facts*
33 *constituting the necessity are:*

34 *In order to make changes to certain provisions affecting*
35 *agriculture prior to their repeal, thereby protecting*
36 *public health and safety, it is necessary that this act take*
37 *effect immediately.*